

REMARKS

In the Office Action mailed June 8, 2009 the Office noted that claims 1-3, 5, 6, 9, 10 and 14 were pending and rejected claims 1-3, 5, 6, 9, 10 and 14. Claims 1 and 9 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-3, 5, 6, 9, 10 and 14 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 1-3, 5, 6 and 14 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Applicants have amended the claims to overcome the rejection. The Applicant submits that no new matter is believed to have been added by the amendment of the claim 1.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 3, 5, 9, 10 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Morris, U.S. Patent No. 6,328,567. The Applicants respectfully disagree and traverse the rejection with an argument.

Morris discusses a device for enabling the determination of the sample of a colour coding ring (palette)

whose colour is the closest to the colour of at least a part of at least one element of a patient's set of teeth, wherein said method comprises the steps consisting in, with the aid of imaging means comprising a video camera:

- inputting and freezing on a screen a colour image of this set-of-teeth element,
- inputting images of samples of a colour coding ring, calibrating these images and displaying the calibrated colour of said sample as a dental shade standard set (135) on a side of a screen where the image of the set-of-teeth element of the patient is also displayed,
- visually comparing the image of the set-of-teeth element frozen on the screen with colours samples presented as a standard colour set.

However, Morris does not disclose displaying the image of a sample itself lying side by side joined to each other without separation with the frozen image of the set-of-teeth element. The set-of-teeth element is only displayed in its environment on all the figures shown in Morris and without any possibility to scroll a set of images of samples of shade guide displayed in the strict vicinity of the image of the set-of-teeth as it is contrarily the case in the invention. In Morris, colour comparisons have to be made from such images of the set-of-teeth in its environment with a remote set of standard colours.

Thus, Morris does not disclose "filming the color

coding ring (9) and displaying on the screen (7) the image (7b) of at least one sample ($9_1, 9_2, 9_3 \dots 9_n$), so that this image (7b) lies side by side joined to each **other** without separation with the frozen image (7a) of the set-of-teeth element so as to allow the user to visually compare the frozen image (7a) of the set-of-teeth element (3) with the image (7b) of the sample," (emphasis added) as in amended claim 1. The Applicants submit that no new matter is believed to have been added by the amendment of claim 1.

It is also not intended to propose a visual comparison of the image of the set-of-teeth clement with the image itself of the sample. Only a calibrated colour of the sample is used on a side of the screen for enabling the comparison. The side of the screen where the set of standard colours is presented is furthermore remote from the image of the set-of-teeth of the patient.

Indeed, calibration is necessary in the device as disclosed in Morris. It necessitates several operations as the introduction of references in the captured images (figure 17 and others). The calibration itself is done from the elements provided on the image and takes several minutes for calculation of associations between colour and luminosity.

The process as described in Morris does not disclose nor suggest the inhibition of chrominance and luminance controls. Such inhibition precisely enables not to use any calibrations.

The use of calibration and normalization of image as used in Morris is thus contradictory with any use of inhibition of automatic control of chrominance and/or luminance.

Thus, Morris does not disclose "an inhibiting means, for inhibiting automatic control of at least one of a luminosity and a chrominance of the camera (1)," as in amended claim 1.

Consequently, Morris cannot disclose nor suggest to use an inhibition of chrominance and luminance controls in the particular context of displaying two separately captured images, such a display being proposed in order for a user watching the images to compare the colours of these images directly on each side of a tactile line present between the two images displayed in purpose joined to each other and without separation.

Claim 9 recites similar features. For at least the reasons discussed above, claims 1 and 9 and the claims dependent therefrom are not anticipated by Morris.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 2, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being obvious over Morris. The Applicants respectfully disagree and traverse the rejection with an argument.

The Applicant submits that the independent claims are allowable for the reasons discussed above. Therefore the dependent claims are likewise allowable.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-3, 5, 6, 9, 10 and 14 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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